

### REMARKS

Claim 1 has been amended to clarify the applied current direction. Support for the amendment to Claim 1 is presented in FIG. 1. No new matter has been added. Applicant respectfully requests entry of the amendments and reconsideration of the present application in view of the amendments and following remarks.

#### Claims Rejections – 35 USC §112

Claim 1 has been rejected under 35 USC §112, second paragraph, as being indefinite. A recitation “the direction opposite to the first step” has been found to be indefinite due to a lack of a proper antecedent. Claim 1 now recites

A process for generating power comprising:

a first step of generating power **between the fuel electrode as a positive electrode and the air electrode as a negative electrode** from a fuel cell comprising a fuel electrode, an air electrode and an electrolyte membrane sandwiched therebetween wherein the fuel electrode is made of an alloy comprising platinum and a fuel is a liquid comprising a secondary alcohol, by directly feeding the fuel to the fuel electrode;

a second step of contacting the air electrode in the fuel cell with an oxidizable material and applying a current from an external electric source between the fuel electrode as **a negative electrode** and the air electrode as **a positive electrode** in the direction opposite to **a direction of current in the first step**, after the first step; and

a third step of generating power from the fuel cell after the second step.

Claim 1, as amended herein, clarifies the claimed invention and provides solid antecedent basis. Applicant respectfully requests withdrawal of the rejection.

#### Claim Rejections – 35 USC §103

The Examiner combines UCHIDA et al., (JP 2003-217642) and Shiepe et al., (US 7,166,382 B2) and equates the combination with the present invention. Uchida discloses the substantially similar fuel cell as the present invention, and Shiepe discloses regenerative fuel cell.

Neither of the references teach the second step, which involves the use of an oxidizable material and applying a current from an external electric source between the fuel electrode as negative and the air electrode as positive in the direction opposite to the first step. This step provides for regenerating fuel, which is an advantage not even contemplated by the prior art

**Application No.:** 10/678,853  
**Filing Date:** October 3, 2003

references. Thus, the combined teachings of the references would not suggest the presently claimed invention to one having ordinary skill in the art. As such Claim 1, as well as its dependent claims can not be rejected on the basis of obviousness over these references. . Applicant respectfully requests withdrawal of the rejection.

### **CONCLUSION**

In light of the Applicant's amendments to the claims and the foregoing remarks, it is respectfully submitted that the present application is in condition for allowance. Should the Examiner have any remaining concerns which might prevent the prompt allowance of the application, the Examiner is respectfully invited to contact the undersigned at the telephone number appearing below.

#### *No Disclaimers or Disavowals*

Although the present communication may include alterations to the application or claims, or characterizations of claim scope or referenced art, the Applicants are not conceding in this application that previously pending claims are not patentable over the cited references. Rather, any alterations or characterizations are being made to facilitate expeditious prosecution of this application. The Applicants reserve the right to pursue at a later date any previously pending or other broader or narrower claims that capture any subject matter supported by the present disclosure, including subject matter found to be specifically disclaimed herein or by any prior prosecution. Accordingly, reviewers of this or any parent, child or related prosecution history shall not reasonably infer that the Applicants have made any disclaimers or disavowals of any subject matter supported by the present application.

**Application No.:** 10/678,853  
**Filing Date:** October 3, 2003

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: July 24, 2008

By: 

Daniel E. Altman  
Registration No. 34,115  
Attorney of Record  
Customer No.20,995  
(949) 760-0404

5692949\_1  
072408